**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.7255 of 2007

Dated:04.06.2007

Between
D.Sarada

.....Petitioner

and

1. The Union of India, rep., by its Secretary, Department of Tele Communications, New Delhi and others.

...Respondents

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.7255 of 2007

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent in issuing the proceedings dated 25.7.2006 and the consequential orders of the 5th respondent dated 7.2.2007 in revising the pensionary benefits of the petitioner and ordering for recovery of Rs.66,771/- in the pensionary benefits as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India.

It appears that the petitioner retired from the services of Bharat Shanchar Nigam Limited (for short 'BSNL') in the year 2004. At the time of his retirement he was extended five years of weightage for calculating his

service with regard to pensionary benefits. It appears that a clarification was issued on 7.2.2007 by deleting weightage given to the petitioner at the time of his retirement stating that the government employees who have been absorbed shall not be entitled for the benefit of weightage of five years for the purpose of pension and other benefits.

There is no necessity to go into all the details. It is an admitted fact that no notice of any kind was issued to the petitioner before passing the impugned proceedings. Therefore, the impugned proceedings suffer from gross violation of principles of natural justice. Therefore, it requires to be quashed.

Accordingly, the writ petition is allowed and the impugned proceedings of the 1st respondent are quashed. However, this order will not preclude the respondents from putting the petitioner on notice and taking appropriate action as per law. No costs.

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04-06-2007

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